City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2409731

Applicant Name: Jason Erdahl, Ankrom Moisan Architecture for Pacific Retirement Services

Address of Proposal: 116 Fairview Avenue North

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of a 12-story building containing 6,985 square feet of retail at ground level, 314 apartments, a congregate residence and nursing home. Parking for 333 vehicles to be provided in a partially below grade garage. Project includes demolition of existing structures. [1]

The following approvals are required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code (SMC)

Design Review, Chapter 23.41, Seattle Municipal Code (SMC) Development Standard Departures from the Land Use Code are approved as follows:

1. Parking and loading location, access and curbcuts (SMC 23.48.034)
2. Parking and loading location, access and curbcuts (SMC 23.54.020; SMC 23.54.030)

SEPA DETERMINATION: [ ] Exempt [X] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions

[ ] DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

[1]Project originally noticed as; Master Use Permit to establish use for future construction of a 12-story building containing 6,985 square feet of retail at ground level, 330 residential units on levels 3-12 and 59,300 square feet nursing home on level 2. Parking for 333 vehicles to be provided in a partially below grade garage. Project includes demolition of existing structures.

BACKGROUND DATA

Site and Vicinity Description

The subject site is zoned Seattle Mixed with an 125 foot height limit (SM 125) and has a lot area of approximately 88,576 square feet. The full block site is bounded by Denny Way, Fairview Avenue North, John Street and Minor Avenue North. The site is developed with surface parking, a Seattle Times office, a truck rental (Penske) business and open space; now vacant.

Fairview Avenue North is designated as a Class II Pedestrian Street and an arterial. Denny Way is designated as a Class II Pedestrian Street and an arterial. Minor Avenue North and John Street do not have a pedestrian classification and are not arterials. A portion of the site is bisected by an alley-like road; however the alley was vacated in 1986.

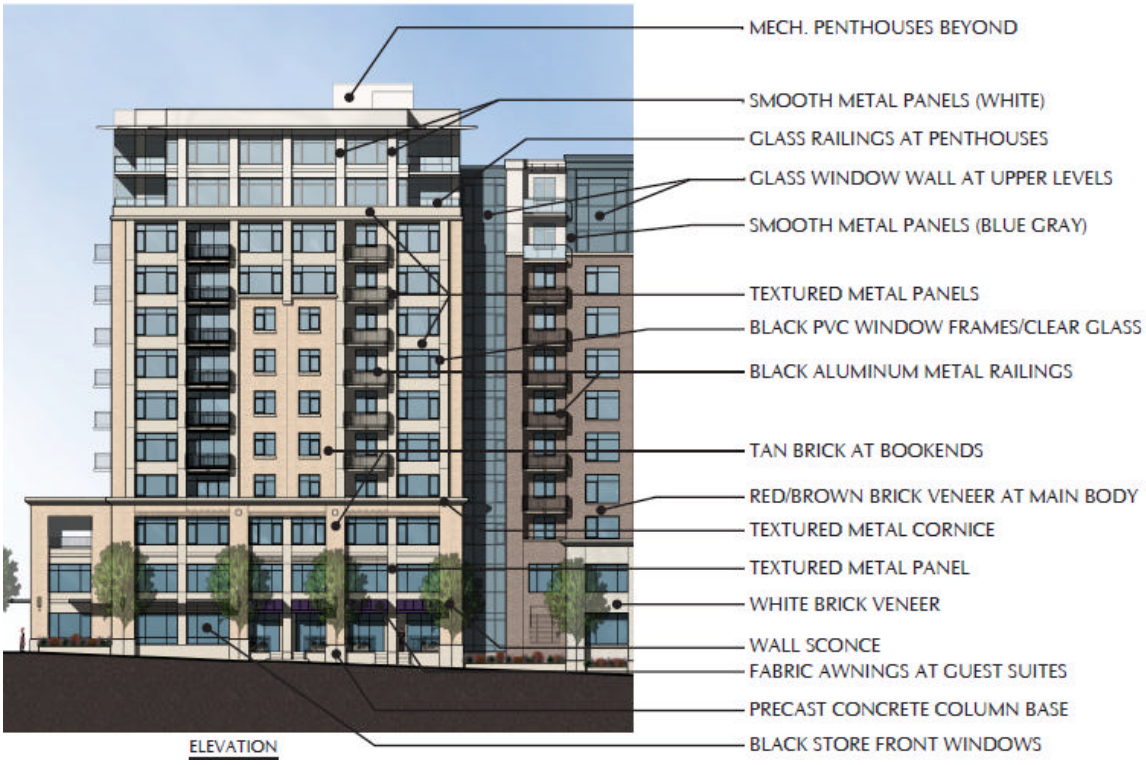
The site topography is generally flat but the south portion of the site is slightly higher in elevation.

Surrounding property to the south, across Denny Way is zoned Downtown Mixed Commercial with a height designation of 240 feet for non-residential, a base limit of 290 feet for residential and a maximum limit of 400 feet for residential (DMC-240/290-400).; to the north, across John Street is zoned Industrial Commercial with a height limit of 85 feet on the west half of the block and Seattle Mixed/Residential with height limit of 55 and 75 feet; to the west, across Fairview Avenue is zoned SM-125; to the east, across Minor Avenue North is zoned SM-125.

Project Description

The project is a Continuing Care Retirement Community (CCRC) that will be owned and developed by Pacific Retirement Services. The Mirabella will provide housing to older adults, and will contain about 7000 square feet of ground level retail open to the public. The project will provide all levels of senior care, including independent living, assisted living, health care services and dementia care. The project will contain approximately 278 independent living dwelling units (apartment), 41 assisted living units (congregate residence and apartment) and 66 nursing home beds (health care services and dementia care). The average size of unit is proposed to be 1257 square feet. Parking for 330 vehicles will be provided in a below grade garage. Most of the parking spaces will be provided by mechanical lifts and will be accessed by a valet or Mirabella staff 24 hours a day 7 days a week. The project will also contain common area facilities such as a dining room, bar/lounge, auditorium, wine tasting room, library and an exercise facility with indoor pool. Support services for the building include a main reception office, guest suites for visitors, marketing offices, a commercial kitchen, commercial laundry, administrative offices and maintenance facilities. Open space will be provided on private balconies and within a ground level courtyard.

The proposed finish materials as presented are best described by the following graphic:



Alley Vacation

The City Council approved an alley vacation at the subject site in 1986 and imposed a condition through a Property Use and Development Agreement (Ordinance 113094) which restricted vehicular access from Fairview Avenue North. The applicant requested an amendment to the condition before City Council on December 12, 2005 to allow access from Fairview Avenue North; the request was conditionally granted (CF 307521). The conditions are as follows:

1. The City Council approves the requested amendment to allow vehicular access to the project site from Fairview Avenue N. No such vehicular access shall be allowed from Denny Way.
2. The City Council prefers that a double driveway or a "loop" be developed at the site, recognizing that such a double driveway will require review through the Neighborhood Design Review process.
3. The vehicular access allowed on Fairview Avenue N shall be for the proposed Senior Housing project and for no other use.
4. The location of the driveway access must be approved by Seattle Department of Transportation (SDOT).
5. Vehicles exiting from the driveway access on Fairview Avenue N. shall not be permitted to make a left turn.
6. The Petitioners shall be required to maintain the landscaping on Denny Way as well as the landscaping around the entire project site.

Public Comment

Public notice was provided for the Design Review meetings that were held by the Capitol Hill/First Hill Design Review Board (DRB) for Early Design Guidance (EDG) on May 11, 2005; and for Recommendation on March 1, 2006 and April 12, 2006. Additional comment opportunities were provided at the time of Master Use Permit application.

EDG: The May 2005 EDG was attended by four members of the public, but no comments were made.

Notice of Application: further notice and public comment opportunity was provided as required with the Master Use Permit application. The comment period ended on September 28, 2005 and no comments were received.

1st DRB Recommendation meeting: two members of the public attended the meeting, but no comments were made.

2nd DRB Recommendation meeting: two members of the public attended the meeting. The comments made pertained to the size of the project.

ANALYSIS - DESIGN REVIEW

Early Design Guidance

PRIORITIES:

After visiting the site, considering the analysis of the site and context provided by the proponents and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines of highest priority to this project found in the City of Seattle's *"Design Review: Guidelines for Multifamily and Commercial Buildings*" and in the *"South Lake Union Design Guidelines"*.

A: Site Planning

A-1 Responding to Site Characteristics

The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

A-2 Streetscape Compatibility

The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

A-6 Transition Between Residence and Street

For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

A-8 Parking and Vehicle Access

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

A-10 Corner Lots. Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

The Board agreed with the architect that the corner of Denny Way and Fairview Avenue is an important gateway into the South Lake Union neighborhood as identified within the South Lake Union Design Guidelines. The Board must see how this project will respond to that gateway condition at the next meeting with some specific ideas for both phases of development. The Board raised concerns about the phasing of the project and wants to see a design that addresses this gateway feature upon completion of phase I, if for some reason phase II is not completed or is significantly delayed. The presentation at the next meeting must show how the corner is addressed under both phases of development.

The Board wants to get a sense of the pedestrian traffic around the site and what possible destinations there would be off-site. The Board wants to be informed of the potential street improvements contemplated for the surrounding streets, specifically where SDOT is recommending curb bulbs.

The Board was pleased with the mix uses around the site, but must see studies of the streetscape on all four frontages and understand how the ground plane elements fit together in making up the streetscape. The Board is interested in how the program and adjacency needs influenced the placement of uses along the street. For instance, the Board was interested in why the location of residential stoops along Minor Avenue N near Denny Way was preferred over locating them on the northeast corner which would be closer to the residential context.

The Board wants the design to balance the security needed for the senior population with creating a comfortable street environment. For instance the Board needs to see how the auditorium and library meet the street, and whether they will be fenced off from the sidewalk or open to the public.

The Board supported the concept of a drop-off along Fairview including the two curbcuts, and thought it was appropriate for the program. In addition, the Board felt that a drop off driveway was a feature that helped to break the buildings in half and break up mass.

B: Height, Bulk and Scale

B-1 Height, Bulk and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

The Board wants to see a 3 dimensional rendering, model or other method depicting the project and a 3-block radius in order to understand the context around the site. The board wants to see a change in character and scale on the NE corner where the height limit of the zone decreases. This could be accomplished in several ways including a change in material.

The Board emphasized the importance of creating a design that decreases the perception of a bulk and scale of this large development.

C: Architectural Elements and Materials

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

Again, the Board raised concerns about the transition from phase I to phase II and how the building will be perceived at the completion of phase I. The applicants indicated that the southern end of the site would remain undeveloped until phase II, so the Board wants to see how the project will be designed to ensure a well proportioned and unified building at the completion of phase I.

To create a good transition in height, bulk and scale, the project design needs to utilize many elements, including articulation, modulation, materials and color.

D: Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

D-3 Retaining Walls
Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where high retaining walls are unavoidable, they should be

designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscape.

D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.

The Board identified the opportunity to create a great plaza space at the main entry and drop-off on Fairview Avenue.

Blank walls and retaining walls visible from the street need to be minimized. When walls are visible, they should be designed to increase pedestrian comfort and visual interest. Design solutions can include; integrating landscaping, terracing walls or using quality materials and details to create a good human scale.

Considering the age of residents personal safety and security is important and needs to be integrated into the design concept.

E. Landscaping

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites

Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

E-2 Landscaping to Enhance the Building and/or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

See Site Planning and Pedestrian environment guidance.

Summary of Design Review Board Initial Recommendations

The applicant applied for the MUP (Master Use Permit) on August 19, 2005. After initial DPD design, zoning and SEPA review, the Design Review Board was reconvened on March 1, 2006 to review the project design and provide recommendations. The four Design Review Board members present considered the site and context, the previously identified design guideline priorities, and reviewed the drawings presented by the applicant. The Board provided initial recommendations to the applicants.

The board focused their discussion and comments on the pedestrian environment and height, bulk and scale of the project. The Board was supportive of the departure requests for quantity of curbcuts on Fairview Avenue North and access to parking spaces.

The Board appreciated the depth of the presentation and the model of the building. They commented that the design is successful in many respects. They liked the Fairview elevations, particularly the entry element because the color and material (white brick veneer) stands out, breaks down the scale, and celebrates the main entry to the building. The Board liked the design response at the gateway corner (A-1 Responding to Site Characteristics; A-10 Corner Lots)

The Board expressed serious concerns about the ground plane and pedestrian environment especially along Minor and John Streets. The Board wants the design to provide more human scale. Two Board members commented that the building seemed fortress-like and un-welcoming. The graphics presented must show more detail to alleviate this concern. The design must celebrate the secondary entrances including; the administrative office entry on Minor Avenue; the library entrances on John Street; the auditorium entrances; the guest suite stoops; and the retail entries. The Board suggested one way to accomplish this is to provide more overhead weather protection at the entries. To improve the human scale at the ground plane and provide more porosity to the massing and facades, the Board suggested including more articulation, modulation, overhead weather protection, transparency, less blank wall, operable windows and more detailing. The Board thought that the main entry element along Fairview was successful and suggested a similar expression for the other entries be utilized to break down the scale and celebrate the other entries or functions of the building. The Board also discussed the floor to floor heights and the relationship of the floor plate to the sidewalk grade, and the need to increase floor to floor height. The Board wants the design to seize any opportunities for transparency and active uses at the street front (comments focused on the corner of Fairview and John).

With respect to height, bulk and scale, the Board felt the top floors needed to be lightened up in that they felt the building was top heavy. The Board liked the curtain wall element at the gateway corner and suggested that the architect explore using more curtain wall elements on the top two floors to lighten up the scale if no physical setback on the upper floors is proposed. The Board had many design suggestions to break down the scale, especially along John and Minor, including; exploring a change in the size of the balconies in an effort to change the rhythm; further erosion of the corners; and stepping back the top two floors.

The Board is inclined to recommend approval of the curbcuts departure in that the code complaint (one two-way curbcut) results in more pavement area and is less aesthetically and functionally appealing as compared to 2-one way curbcuts.

The Board is inclined to recommend approval of the access to parking departure in that the building will be designed for valet service. The access to parking departure relates to the use of mechanical lifts for parking spaces. The Land Use Code generally counts a parking space as a fractional space if access to the space requires another vehicle to move to obtain access. The most common instance of this situation occurs with tandem parking spaces. Instead of counting a tandem space as two parking spaces, the Land Use Code counts them as 1.5 spaces. In this case, the mechanical lift proposed would hold two vehicles and require a vehicle to be moved to gain access to another. Because of the unique use of the project and that the design contemplates the use of valet service the departure is warranted. The users of the parking will likely never move their vehicles from the parking spaces instead a 24 hour valet service will retrieve or park the vehicle for residents.

Summary of Project Design and Design Review Board Final Recommendations

The Design Review Board was reconvened on April 12, 2006 to review the project design and provide recommendations. The five Design Review Board members present considered the site and context, the previously identified design guideline priorities, the initial recommendation, and reviewed the

drawings presented by the applicant. The Board unanimously recommended conditional approval of the project with the requested departures.

The Board appreciated the refinements made to the design with respect to the pedestrian environment and to the upper levels of the building to alleviate some of the bulk and scale (B-1 Height, Bulk and Scale; C-1 Architectural Context; C-2 Architectural Concept and Consistency; C-4 Exterior Finish Materials) issues identified at the initial recommendation meeting.

The architect described the refinements made at the ground plane to address the human scale of the project. Overhead weather protection was included in the design along Minor Avenue and John Street where there was no overhead weather protection previously. The design now includes two types of canopies; glass canopies at the auditorium façade on Denny Way; at the gateway corner; at the main entry on Fairview and along the library entrances on John Street. The other canopy material will consist of painted concrete in a metal frame. At the corner of Fairview Avenue and John Street the previous design consisted of spandrel glass at ground level because of the parking garage being above ground at that location. The design has been refined to include display boxes (varying in depth from 3 to 4 feet) by carving back the parking garage (D-2 Blank Wall). The window articulation will now be double height with display box near the bottom and transparent glazing into the 1st floor space above. Other areas of the façade at the ground plane have been refined to include double height window articulation resulting in more glass, increased window recesses, pre-cast details, lighting sconces, landscaping and pre-cast bases at the bottom of columns (A-2 Streetscape Compatibility;A-6 Transition Between Residence and Street; D-1 Pedestrian Open Spaces and Entrances; D-2 Blank Wall; D-7 Pedestrian Safety; E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites; E-2 Landscaping to Enhance the Building and/or Site). The Board felt the design response adequately addressed their concerns about the human scale and pedestrian environment; however, they recommended two conditions relating to the streetscape. The Board thought the retail expression at the corner of Denny Way and Fairview was not presented as a strong retail expression, and wants the design to provide more retail features such as, a change in materials, lighting, signage, texture and paving. The Board wants the architect to follow up with DPD with respect to these features. During the presentation, the proponents indicated they have had preliminary discussions with a drugstore retailer. In light of that the Board was very concerned about the retail expression at this corner especially related to transparency. Another recommendation the Board made was to provide a change in paving pattern or texture along the Minor Avenue sidewalk where the loading berth and driveway intersects the sidewalk (D-7 Pedestrian Safety).

With respect to height, bulk and scale, the architect refined the design to lighten the top floors of the building. The window articulation has been refined to add more glass which provides more of a penthouse expression on all the elevations. The roof overhangs on the mid sections of the building design has been eliminated and replaced with a parapet on all the elevations. The corners have been eroded by moving the building wall back and replacing the space with exterior deck and glass deck railing.

On Minor Avenue, the mid section of the building design has more expression of three vertical bays and is lighter looking on top by designing the windows with more glass and unifying the finish material, window frame and glass color; they are all a blue/grey color. The façade alternates between a white

element, white windows, finish material and mullions and the blue/grey elements. The Minor Avenue elevation also has been refined to include a curtain wall gasket between the mid-section and the bookends; the change in material from brick/punched window system to curtain wall system increases the contrast between the bookends and the mid-section.

On Denny Way, a similar expression on the top two floors is included in the designed; however, the design does not include a curtain wall gasket between the bookends and mid-section.

On John Street, the top two floors of the bookend elements are designed with the white window elements, but the mid-section differs because the space behind the façade is the dining room. The design includes a glass curtain wall element using the blue/grey palate for the windows and finish materials and it protrudes from the façade. The architect indicated that the protruding bay is used to express the unique dining room space and designed it to be a distinctly different element. The Board asked the architect to explore using the curtain wall gasket in lieu of the brick/punched window system.

The Board liked the design response at the gateway corner (A-1 Responding to Site Characteristics; A-10 Corner Lots) and thought the design met the Board guidance.

The departure requests and Board comments are provided in the departure summary table.

Departure from Development Standards

DPD identified potential departures from the following Land Use Code development standards:

Requirement	***Proposed***	***Board Comments***
SMC 23.48.034 Parking and loading location, access and curbcuts. If the lot does not abut an improved alley, parking and loading access may be permitted from the street. Such access shall be limited to one (1) two (2) way curbcut. In the event the site is too small to permit one (1) two (2) way curbcut, two (2) one (1) way curbcuts shall be permitted.	(1) two–way curbcut on Minor Avenue to access below grade parking and (2) one-way curbcuts to access vehicular drop off on Fairview Avenue North	The Board recommended approval of the curbcut departure in that the code complaint (one 22 foot wide two-way curbcut) results in more pavement area and is less aesthetically and functionally appealing as compared to two-12 foot wide one way curbcuts. The Board noted that the location of the drop off feature was also a good location to break the mass and create a plaza. The design includes special paving patterns along the sidewalk where the driveways intersect the sidewalk to alert pedestrians of the driveway. The Board concluded that the presented design better met guidelines to minimize driveways (A-8 Parking and Vehicle Access and D-7 Pedestrian Safety)
SMC 23.54.020 & 030	Use of mechanical lifts where one has to	The Board recommended approval of the access to parking departure in that

Requirement	***Proposed***	***Board Comments***
Directors Rule 8-2003 Parking and loading location, access and curbcuts. SMC 23.54.020.B requires a minimum of one (1) parking space per multi-family unit. It explains that a tandem parking space equals one and one-half (1-1/2) parking spaces, but does not explain how to count parking spaces provided by a mechanical parking lift. Director's Rule 8-2003 specifies if one has to operate a vehicle to gain access to another vehicle then the two spaces within a mechanical parking lift will be considered a tandem parking space and count as one and one-half (1-1/2) parking spaces.	operate a vehicle to access another vehicle. However, the project is being designed to use valets to obtain resident vehicles from the parking garage. The valet service will be staffed 24 hours a day 7 days a week so that residents would not need to move one vehicle to access another.	the building will be designed for valet service including a valet office, and residents are not expected to move their vehicles from the parking space. The Board recognized that providing more levels of parking garage at more cost could result in a diminished design quality; thereby making a project that does not meet the design guidelines as well (A-2 Architectural Concept and Consistency; C-4 Exterior Finish Materials). The residents will wait for their vehicles near the parking ramp and not likely enter the parking garage; thereby improving pedestrian safety within the garage (D-7 Pedestrian Safety).

Recommended Conditions

1. The Board thought the retail expression at the corner of Denny Way and Fairview Avenue was not presented as a strong retail expression, and wants the design to provide more retail features such as, a change in materials, lighting, signage, texture and paving. Additionally, the Board noted the importance of transparency at this corner.
2. The Board wants the design to include a change in paving pattern or texture along the Minor Avenue sidewalk where the loading berth and driveway intersects the sidewalk.
3. The Board wants the architect to explore options to provide a curtain wall element between the bookend element and the mid-section along John Street.

Director's Analysis

The Design Review Board's recommendation does not conflict with applicable regulatory requirements and law, is within the authority of the Board and is consistent with the design review guidelines as modified by the Director. The summary above describes how the design meets the design review guideline priorities by noting the guideline by letter, number and heading in parenthesis. The Director concurs with the Board's recommendation but adds the following condition;

4. Residents must be able to use the services of a valet or other staff to access their vehicles from the mechanical lifts located in the parking garage 7 days a week, 24 hours a day. This condition may be modified or waived if the land use code regulations change making the provided parking conforming to standards or the project is altered to provide parking

allowed under land use code regulations.

The departure from the access standards for parking for the use of mechanical lifts in the garage is directly linked to the operation and design of the garage and that valet service is to be provided to the residents. If valet service was not provided in the future the spirit of the departure recommendation would be compromised.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY APPROVED**.

CONDITIONS

Design Review conditions are listed at the end of this report.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklists submitted by the applicant dated August 19, 2005 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact; it shall be presumed that such regulations are adequate to achieve sufficient mitigation subject to some limitation"*. The Overview Policy in SMC 23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation, Plants and Animals and Shadows on Open Spaces). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulates from demolition and building activities and hydrocarbon emissions from construction vehicles and equipment; temporary soil erosion; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The

Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

Most short-term impacts are expected to be minor. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with air quality, noise, and construction traffic warrant further discussion.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos (if any) during demolition. The owner and/or responsible party (ies) are required to comply with the PSCAA rules pertaining to demolition of projects with or without asbestos. This will ensure proper handling and disposal of asbestos, as well as demolition of structures without asbestos. No further SEPA conditioning is necessary.

Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. There is an apartment building located at the corner of Minor Avenue and John Street, and it will be impacted by construction noise. The protection levels of the Noise Ordinance are considered inadequate for the potential noise impacts on this nearby residential use. Pursuant to SEPA authority, the applicant will be required to limit periods of construction to between the hours of 7:30 AM to 6:00 PM on non-holiday weekdays. To shorten the overall construction time frame, construction will be allowed on Saturday between the hours of 9:00 AM and 6:00 PM on a contingent basis. Allowing Saturday construction activity will be contingent on an approved mitigation program for the duration of construction. A mitigation program proposal must be submitted by the responsible party and approved by DPD. The program elements must consist of the following:

- Construction activities which generate the loudest noise shall be performed during the weekday hours. Identification of the type of construction activity that will occur between the hours of 9:00 AM to 6:00 PM on Saturday need to be disclosed. No work, deliveries or otherwise will be allowed outside of the Saturday hours.
- Commitments and proposals to prohibit back-up alarms on vehicles and equipment, utilization of sound buffering or barrier devices, utilization of construction equipment that generate lower noise decibels or utilization by other means to mitigate noise.
- Creation of a procedure for hearing neighbor complaints and concerns (monthly meeting, door to door canvassing, etc.), providing affected neighbors with a construction schedule in advance of such work, and providing available project contact persons at the site and by phone during construction hours.
- The approved plan shall be available or posted at the site for the duration of construction.

DPD may disallow Saturday construction if the mitigation program is not followed and/or public complaints warrant such prohibition. No further conditioning is necessary pursuant to SEPA Construction Impacts Policy (SMC 25.05.675 B).

Traffic and Circulation

The project will consist of grading to accommodate the underground parking garage and building foundation. Approximately 40,000 cubic yards of material would be excavated and removed from the site. This activity would require 4000 trips with 10-yard hauling trucks or 2000 trips with 20-yard hauling trucks which are the standard for this size of undertaking.

Existing City code, Regulating the Kind and Classes of Traffic on Certain Streets (SMC 11.62) designates certain times of day when truck traffic is allowed on certain streets and designates major truck streets which must be used for hauling and otherwise regulates truck traffic in the city. The proposal site abuts arterial streets, Denny Way and Fairview Avenue North, and is near major truck routes (Interstate 5), and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Traffic control would be regulated through the City's street use permit system, and a requirement for the contractor to meet all City regulations pertaining to the same. Temporary sidewalk or lane closures may be required during construction. Any temporary closures of sidewalks would require the diversion of pedestrians to other sidewalks. The timing and duration of these closures would be coordinated with SDOT to ensure minimal disruptions.

Compliance with Seattle's Street Use Ordinance administered by Seattle Department of Transportation (SDOT) is expected to mitigate any adverse impacts to traffic which would be generated during construction of this proposal and no further conditioning is necessary.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site detention of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term long term impacts, although some impacts warrant further discussion.

Height, Bulk and Scale

The SEPA Height, Bulk and Scale Policy (Section 25.06.675.G., SMC) states that *"the height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories, …and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning."*

The proposed 12-story project will be located in a Seattle Mixed zone with a 125 foot height limit (SM-125) and the project will be 12 stories in height. Surrounding zoning to the north is less permissive with respect to height in that the IC-85 and the SM/R 55/75 only permit heights up to 85 feet and 75

feet respectively. There are no topographic or unique features that execrate the perception of height, bulk and scale; the surrounding area is fairly flat. Because the project occupies a full block, it is surrounded by street right of way on all sides that mitigates the perception of height bulk and scale. The property with less intense zoning is across John Street which is a 60 foot right of way.

In addition, the SEPA Height, Bulk and Scale Policy states that *"(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated."*

The proposal was reviewed and approved through the Design Review process and conforms to the Citywide and South Lake Union Design Guidelines. Pursuant to Design Review, the proposed mass of the building will be eroded on the upper floors to decrease the perception of height, bulk and scale. Additionally, design details, colors, landscaping and finish materials will contribute towards mitigating the perception of height, bulk and scale in that these elements will break down the overall scale of the building. No further mitigation of height, bulk and scale impacts is warranted pursuant to SEPA policy (SMC 25.06.675.G.).

Traffic

The applicant submitted a Traffic Impact Analysis (TIA) dated November 2005 prepared by The Transpo Group which is summarized in this document. The full report is available in the Master Use Permit file at DPD.

It was determined that the study intersections include the following intersections;

1. Fairview Avenue/John Street (signalized)
2. Fairview Avenue/Denny Way (signalized)
3. Stewart Street/Denny Way (signalized)
4. Stewart Street/Yale Avenue (signalized)
5. Eastlake Avenue/Stewart Street/ John Street (signalized)
6. Minor Avenue/Denny Way (two-way stop controlled)
7. Minor Avenue/John Street (two-way stop controlled)
8. Fairview Avenue/Boren Avenue/Virginia Street (signalized)

The analysis includes examination of existing and future traffic conditions without the proposed project. Future with-project conditions are evaluated and project-generated impacts applied to the study intersections. Traffic safety, transit and concurrency are also examined.

Both AM and PM peak hour conditions were utilized to evaluate traffic impacts. The future 2012 traffic volumes were estimated by multiplying 2005 traffic volumes by an average annual growth rate of .5 percent and adding traffic generated by 15 pipeline projects. Not all the pipeline projects are expected to be built so only 75% of the volumes associated with the projects have been applied to the future volumes.

Recent accident records were reviewed at study intersections to document existing traffic safety issues. The analysis found that no study intersections are classified as high accident intersections and that project trips would not change this assessment.

The site has excellent transit service abutting the site with four bus routes operated by King County Metro and Sound Transit. Numerous bus routes servicing the region and downtown operate along Stewart Street about 2-3 blocks from the site. The South Lake Union Street Car line is expected to be operating near the site in the future.

Project traffic impacts are measured using trip generation and distribution. Vehicle trip rates were based on information from the ITE *Trip Generation*, 7th Edition (2003). The ITE land use best suited for this project was Continuing Care Retirement Community (LU #255).

This site also has two existing land uses that generate vehicle trips, an office building for the Seattle Times and a Penske Truck Rental facility. Credit was taken for trips generated by the existing office building, but no credit was taken for trips generated by the Penske Truck Rental facility. There is little data documenting trips generated by truck rental facilities and excluding the rental facility provides a conservative estimate of trips generated by existing uses. ITE Land use General Office Building (LU #710) was used to estimate trips for the Seattle Times Office Building. Table 4 summarizes the resulting vehicle trip generation estimates.

	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
Proposed			In	Out	Total	In	Out	Total
CCRC	425 Units	1194	49	28	77	59	64	123
Retail	7,000 gsf[1]	310	3	4	7	8	11	19
Total		*1504*	*52*	*32*	*84*	*67*	*75*	*142*
Existing								
Office	8,000 gsf[1]	-88	-11	-1	-12	-2	-10	-12
Net Trip Increase		**1,416**	**41**	**31**	**72**	**65**	**65**	**130**

1. Gross square feet.

As shown in Table 4, the proposed project would generate approximately 72 new AM peak hour trips, 130 PM peak hour trips, and approximately 1,416 new daily trips.

The trip generation estimates were then distributed and assigned to the study intersections to determine the project's impact on the Level of Service (LOS) at each study intersection. The following table provides the results;

	2012 Baseline			2012 With-Project		
AM Peak Hour	**LOS**	**Delay[1]**	**V/C or WM[2]**	**LOS**	**Delay**	**V/C or WM**
Fairview/Boren	B	18.9	0.35	B	18.8	0.35
Fairview/Denny	C	32.1	0.79	C	32.6	0.81
Stewart/Denny	F	92.9	1.12	F	95.2	1.12
Stewart/Yale	A	4.8	N/A[3]	A	5.1	N/A[3]
Eastlake/Stewart/John	C	24.7	0.79	C	24.8	0.79
Fairview/John	A	8.5	0.52	A	9.6	0.53
Minor/John	B	11.5	SB	B	11.8	SB
Minor/Denny	F	53.5	SB	F	75.2	SB
PM Peak Hour	**LOS**	**Delay[1]**	**V/C or WM[2]**	**LOS**	**Delay**	**V/C or WM**
Fairview/Boren	C	22.8	0.43	C	22.7	0.44
Fairview/Denny	D	42.0	0.85	D	44.3	0.86

Stewart/Denny	F	128.4	1.01	F	132.3	1.02
Stewart/Yale	E	73.4	N/A[3]	E	78.2	N/A[3]
Eastlake/Stewart/John	C	22.3	0.61	C	22.3	0.61
Fairview/John	B	17.1	0.74	C	20.9	0.78
Minor/John	B	11.8	SB	B	12.4	NB
Minor/Denny	F	76.1	SB	F	214.4	SB

1. Level of Service
2. At signalized intersections, the average delay and Volume-to-Capacity ratio is reported. At unsignalized intersections, the delay is reported for the Worst Movement.
3. Intersection runs on controller at Stewart/Denny; resulting v/c ratio not applicable to this intersection.

The table shows that with or without the proposed project traffic, the study intersections would continue to operate at the same LOS during the AM and PM peak hours with the exception of Fairview/John in the PM peak hour. During the PM peak hour Fairview Avenue/John Street is expected to degrade from LOS B to LOS C with the addition of project traffic. The additional traffic volumes created by the project will add delay to the study intersections as well as contributing volumes to other intersections in South Lake Union.

The analysis for Minor Avenue/Denny Way shows a large increase in seconds of delay because making a left turn from Minor to Denny going east is expected to be challenging once the project is complete. However, if the left-turn maneuver at Minor Avenue/Denny Way is challenging, it will be possible for drivers to divert to Fairview Avenue/John Street and Fairview Avenue/Denny Way to access Denny Way. The analysis shows, both Fairview Avenue/John Street and Fairview Avenue/Denny Way have reserve capacity to accommodate this likely shift in project related volumes. To help mitigate this situation, left-turns from Minor Avenue to Denny Way could be restricted; however the Seattle Department of Transportation does not support restricting access in these cases in effort to keep access routes open and available. In light of that, no mitigation at this intersection for left-turns during peak hours is imposed.

The TIA has identified project transportation impacts in South Lake Union. To mitigate these impacts, the project will be conditioned to pay its proportional share of the costs of certain capital improvements identified by the South Lake Union Transportation Study necessary to accommodate anticipated future growth. The Study identified a variety of capital improvements for auto, transit, bicycle and pedestrian modes. Payment of mitigation fees is expected to adequately mitigate anticipated transportation impacts of this development. No further transportation mitigation pursuant to SMC 25.05.675 R is warranted.

Parking

The TIA prepared by The Transpo Group also examined the project parking supply as compared to the project parking demand. The proposed project will provide parking for 333 vehicles. The parking demand was based on ITE Parking Generation, 3rd Edition.

Land use categories that could be used to estimate Mirabella parking needs are Nursing (620), Assisted Living (254), and Independent Living (252). The combination of these land use categories would suggest that Mirabella would generate the need for between 144 and 202 parking stalls (between 0.34 and 0.48 stalls per dwelling unit). Additionally, the retail (820) component of the project would create a demand for 19 spaces so the total demand would range from 163 to 221 spaces.

The existing parking lot on site was surveyed and found to have approximately 60 parking spaces occupied; therefore 60 spaces would be dispersed to other near by parking lots or utilize street parking. Based on the TIA, there is sufficient supply of parking lots in the neighborhood that could accommodate 60 vehicles.

No SEPA parking impacts are anticipated in that the demand is expected to be met with the parking supply of 333 vehicles on site.

Other Impacts

The other impacts such as but not limited to, increased ambient noise, and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by condition.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS - DESIGN REVIEW

Prior to Issuance of Master Use Permit

Revise the MUP drawings to document compliance with the following:

1. To provide more retail features such as, a change in materials, lighting, signage, texture and paving.
2. A change in paving pattern or texture along the Minor Avenue sidewalk where the loading berth and driveway intersects the sidewalk.
3. Explore options to provide a curtain wall element between the bookend element and the mid-section along John Street.

Prior to the Final Certificate of Occupancy

4. Install the features and/or provide applicable documents demonstrating compliance with above conditions.

NON-APPEALABLE CONDITIONS - DESIGN REVIEW

During Construction

5. All changes to approved plans with respect to the exterior façade of the building and landscaping on site and in the right of way must be reviewed by a Land Use Planner prior

to proceeding with any proposed changes.

Prior to Issuance of Certificate of Occupancy

6. Compliance with the approved design features and elements, including exterior materials, roof pitches, façade colors, landscaping and right of way improvements, shall be verified by the DPD Land Use Planner assigned to this project (Jess Harris- 206-684-7744) or by a Land Use Planner Supervisor (Bob McElhose 206-386-9745). Inspection appointments must be made at least 3 working days in advance of the inspection.

CONDITIONS SEPA

Prior to Issuance of any Construction Permit

7. To mitigate noise on Saturday, a draft mitigation program proposal must be submitted by the responsible party(ies) and approved by DPD. A final mitigation program must be approved prior to commencement of work. The program elements must consist of the following:
   - Construction activities which generate the loudest noise shall be performed during the non-holiday weekday hours. Identification of the type of construction activity that will occur between the hours of 9:00 AM to 6:00 PM on Saturday need to be disclosed. No work, deliveries or otherwise will be allowed outside of the Saturday hours.
   - Commitments and proposals to prohibit back-up alarms on vehicles and equipment, utilization of sound buffering or barrier devices, utilization of construction equipment that generate lower noise decibels or utilization by other means to mitigate noise.
   - Creation of a procedure for hearing neighbor complaints and concerns (monthly meeting, door to door canvassing, etc.), providing affected neighbors with a construction schedule in advance of such work, and providing available project contact persons at the site and by phone during construction hours.
   - The approved plan shall be available and/or posted at the site for the duration of construction.
8. Remit in full to the City of Seattle, transportation mitigation fees based on the South Lake Union Transportation Study, as determined by DPD in consultation with Transpo.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

9. To mitigate construction noise, the hours of construction activity shall be limited to weekdays between the hours of 7:30 a.m. and 6:00 p.m. To shorten the overall construction time frame, construction will be allowed on Saturday between the hours of 9:00 AM and 6:00 PM on a contingent basis. Allowing Saturday construction activity will

be contingent on an approved mitigation program for the duration of construction. DPD may disallow Saturday construction if the required mitigation program does not sufficiently mitigate construction impacts on Saturdays. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

For the Life of the Project

10. Residents must be able to use the services of a valet or other staff to access their vehicles from the mechanical lifts located in the parking garage 7 days a week, 24 hours a day. This condition may be modified or waived if the land use code regulations change making the provided parking conforming to standards or the project parking is altered to provide parking conforming to land use code regulations.

Street Vacation Conditions (REFERENCE ONLY)

11. The City Council approves the requested amendment to allow vehicular access to the project site from Fairview Avenue N. No such vehicular access shall be allowed from Denny Way.
12. The City Council prefers that a double driveway or a "loop" be developed at the site, recognizing that such a double driveway will require review through the Neighborhood Design Review process.
13. The vehicular access allowed on Fairview Avenue N shall be for the proposed Senior Housing project and for no other use.
14. The location of the driveway access must be approved by Seattle Department of Transportation (SDOT).
15. Vehicles exiting from the driveway access on Fairview Avenue N. shall not be permitted to make a left turn.
16. The Petitioners shall be required to maintain the landscaping on Denny Way as well as the landscaping around the entire project site.

Signature: (signature on file) Date: June 29, 2006

Jess E. Harris, AICP, Senior Land Use Planner
Department of Planning and Development

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